

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRAVIS RONALD BEARD, II, #2263743,

Plaintiff,

v.

EAST TEXAS MULTI-USE
TREATMENT FACILITY, *et al.*,

Defendants.

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Case No. 6:19-CV-313-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On March 5, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 17), recommending that Plaintiff's claims against Defendants Lorie Davis, Warden J. Rupert, J. Wilson Thomas, and Dr. Prasad Yitta in their official capacities for money damages be dismissed without prejudice. The Report also recommended that Plaintiff's claims against the East Texas Multi-Use Treatment Facility, Lorie Davis, Warden J. Rupert, and J. Wilson Thomas be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). The Report finally recommended that Plaintiff's medical deliberate indifference claim against Dr. Prasad Yitta be allowed to proceed. A return receipt indicating delivery to Plaintiff was received by the Clerk on March 16, 2020. Docket No. 20.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430

(5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 17) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 17) be **ADOPTED** and that Plaintiff's claims against Defendants Lorie Davis, Warden J. Rupert, J. Wilson Thomas, and Dr. Prasad Yitta in their official capacities for money damages are **DISMISSED WITHOUT PREJUDICE**. It is further **ORDERED** that Plaintiff's claims against the East Texas Multi-Use Treatment Facility, Lorie Davis, Warden J. Rupert, and J. Wilson Thomas are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1). The Clerk of Court is directed to **TERMINATE** the East Texas Multi-Use Treatment Facility, Lorie Davis, Warden J. Rupert, and J. Wilson Thomas on the Court's docket. It is finally **ORDERED** that Plaintiff's medical deliberate indifference claim against Dr. Prasad Yitta be allowed to proceed.

So **ORDERED** and **SIGNED** this 7th day of April, 2020.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE